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346-0745

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN DOE, JOHN DOE, SR. and	:
JANE DOE,	:
Plaintiffs	:
	:
vs.	:
	:
FATHER ERIC ENSEY, FATHER CARLOS	:
URRUTIGOITY, DIOCESE OF SCRANTON,	: DOCKET NO. 3:CV-02-0444
BISHOP JAMES C. TIMLIN, THE	:
SOCIETY OF ST. JOHN, THE PRIESTLY	:
FRATERNITY OF ST. PETER, and	:
ST. GREGORY'S ACADEMY,	: (JOHN E. JONES, III)
Defendants	:

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DEFENDANTS, FATHER ERIC ENSEY, FATHER CARLOS  
URRUTIGOITY AND THE SOCIETY OF ST. JOHN'S MOTION  
FOR ENLARGEMENT OF TIME TO FILE A MOTION  
FOR SUMMARY JUDGMENT  
(Electronically Filed)

AND NOW COME the Defendants, Father Eric Ensey, Father  
Carlos Urrutigoity and the Society of St. John, by and  
through their attorneys, FOLEY, COGNETTI, COMERFORD, CIMINI  
& CUMMINS, and hereby aver the following in support of their  
Motion For Enlargement Of Time:

1. The deadline for dispositive motions in this matter is June 1, 2004.

2. Moving Defendants filed their Motion For Summary Judgment on June 4, 2004, three days beyond the deadline.

3. Counsel for moving Defendants, Sal Cognetti, Jr., Esquire has been attached to trial in Chicago, Illinois since April 19, 2004 and remains attached to said trial in the matter of United States of America v. Michael Segal, Daniel E. Watkins and Near North Insurance Brokerage Inc., Docket No. 02 CR 0112 in the United States District Court for the Northern District of Illinois, Eastern Division, while co-counsel for moving Defendants, Vincent S. Cimini, Esquire, was attending to his infant son who had just recently undergone surgery in Delaware.

4. Plaintiffs will suffer no prejudice as moving Defendants' Motion For Summary Judgment was filed only three days beyond the deadline and the grounds for their Motion For Summary Judgment are identical to those filed by Defendants Diocese of Scranton, Bishop James C. Timlin, The Priestly Fraternity of St. Peter and the St. Gregory's Academy.

5. Moreover, Plaintiffs will not suffer prejudice as their response to Defendants' Motion For Summary Judgment has not yet been filed and is not yet due, and as such Plaintiffs will have adequate and ample time to fully respond to Defendants' Motions.

6. This Court has consistently granted to all parties

in this action requests for extensions of time in which to file various motions and briefs, the most recent being Plaintiff's Reply To Defendants' Motion For Reconsideration which the present moving Defendants did not oppose.

WHEREFORE, Defendants, Father Eric Ensey, Father Carlos Urrutigoity and the Society of St. John, respectfully request that this Court grant Defendants' Motion For Enlargement Of Time and accept Defendants' June 4, 2004 Motion For Summary Judgment as timely filed.

Respectfully submitted,

FOLEY, COGNETTI, COMERFORD,  
CIMINI & CUMMINS

BY: /S/ VINCENT S. CIMINI  
VINCENT S. CIMINI, ESQ.  
SAL COGNETTI, JR., ESQ.  
ATTORNEYS FOR DEFENDANTS  
FATHER ERIC ENSEY, FATHER  
CARLOS URRUTIGOITY AND  
SOCIETY OF ST. JOHN

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DATE: June 7, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing DEFENDANTS' FATHER ERIC ENSEY, FATHER CARLOS URRUTIGOITY AND THE SOCIETY OF ST. JOHN'S MOTION FOR ENLARGEMENT OF TIME TO FILE A MOTION FOR SUMMARY JUDGMENT, was served via electronic notice upon the following counsel of record:

James Bendell, Esquire P.O. Box 587 2535 Ivy Street Port Townsend, WA 98368	Joseph O'Brien, Esquire Oliver, Price & Rhoades 1212 S. Abington Road P.O. Box 240 Clarks Summit, PA 18411
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Harry T. Coleman, Esquire  
148 Adams Avenue  
Scranton, PA 18503

The following counsel have been served via First Class U.S. Mail:

James O'Brien, Esquire 538 Spruce Street, Suite 504 Scranton, PA 18503	Joseph F. Leeson, Jr., Esquire Leeson & Leeson 70 East Broad Street P.O. Box 1426 Bethlehem, PA 18016
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FOLEY, COGNETTI, COMERFORD  
& CIMINI

BY: Vincent S. Cimini, Esq.  
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